

330 CMR 12.00: LICENSING AND OPERATION OF PET SHOPS

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12.01: Definitions.

For the purposes of 330 CMR 12.00, the terms below shall have the following meanings:

Department. The Department of Food and Agriculture.

Hobby Breeder. A person engaged in the incidental breeding and subsequent sale, barter or exchange of the offspring of no more than three personally owned breeding females.

Impervious. A non-porous, impermeable surface through which a liquid will not be allowed to pass but upon which water will bead.

Person. Any individual, corporation, partnership, association or other business organization.

Pet Shop. Any place or premise where birds, mammals, or reptiles are kept for the purpose of either wholesale or retail sale, import, export, barter, exchange or gift.

Taxonomic derivation. The Latin nomenclature for the genus and species.

12.02: Licenses

- (1) No person shall operate a pet shop within the Commonwealth of Massachusetts without a license issued by the Department.
- (2) A complete application for a license or renewal of license shall be submitted to the Department and shall be accompanied by the required fee.
- (3) Upon receipt of an application, the Department shall inspect the applicant's facilities. If the Department finds the facilities in compliance with 330 CMR 12.03, the Department shall approve the application and issue a license. Each license shall expire on December 31st of that year.
- (4) The license shall be promptly posted on the premises in a place prominently visible to the public.
- (5) The Department may deny a license to any applicant whose facilities fail to comply with 330 CMR 12.03. An applicant whose license has been denied may submit a written request for a hearing within 21 business days following notification of the Department's decision to deny the license.
- (6) The Department may revoke or suspend a license after a full or fair hearing, and upon finding that the licensee has:
 - (a) Violated any provision of M.G.L. c. 129, § 9 or 39A, or any regulation promulgated thereunder or convicted of a violation of M.G.L. c. 272, § 77;
 - (b) Made a material misstatement in the application for a license or in a renewal application;
 - (c) Assisted another in the violation of M.G.L. c. 129, § 39A or 330 CMR 12.00;

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- (d) Made a misrepresentation or false promise through advertisements in connection with the pet shop's operation;
- (e) Dispensed prescription medication to accompany an animal at the time of sale; or
- (f) Violated a quarantine order.

12.03: Facilities.

- (1) General Facilities. All licensees shall:
 - (a) Maintain all buildings and premises in good repair and in a sanitary condition;
 - (b) Maintain and use equipment in a manner which ensures the proper storage or disposal of wastes or disease-contaminated material for the purpose of controlling vermin, insects, the spread of disease and obnoxious odors;
 - (c) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin; and
 - (d) Provide and maintain artificial illumination in all areas and rooms in which animals are kept. The artificial illumination shall be well distributed and adequate to provide efficient inspection and cleaning of facilities, enclosures, cages and animals. All cages and enclosures in use shall be placed in a manner which protects the animals contained from excessive or stressful illumination.
- (2) Quarantine/Isolation Rooms. All licensees shall:
 - (a) Provide a room to be used for the purposes of quarantining sick or diseased animals as required by 330 CMR 12.06(2) and (3) or isolating newly acquired dogs and cats as required by 330 CMR 12.07;
 - (b) Ensure that quarantined sick or diseased animals and isolated newly acquired dogs and cats are not maintained in the quarantine/isolation room simultaneously;
 - (c) Ensure that quarantine/isolation rooms in addition to complying with the requirements of 330 CMR 12.03(1) and (3) are:
 - 1. Physically separated from rooms used to maintain other animals;
 - 2. Completely enclosed by walls that extend from floor to ceiling;
 - 3. Equipped with an exhaust fan that serves to efficiently remove air from the room to an area outside the building;
 - 4. Equipped with a sink having hot and cold running water used exclusively for the cleaning and maintenance of the quarantine/isolation room, all equipment and utensils used therein, and animals housed within the room;
 - 5. Not used to house or maintain other animals;
 - 6. Thoroughly cleaned and disinfected after quarantined or isolated animals have been removed and prior to the placement of additional animals into the room; and
 - 7. Not used for storage of food, containers, bowls, dishes, cages or other equipment that come in contact with other animals;
 - (d) Ensure that any person who feeds, waters, cleans, treats or handles quarantined or isolated animals or disease-contaminated equipment or material shall, before handling healthy animals or uncontaminated equipment or materials, thoroughly wash their hands with a disinfectant detergent. Contaminated outerwear shall be removed prior to handling healthy animals or uncontaminated equipment or material; and
 - (e) Ensure that any employee restroom or public access area is not used as a quarantine\ isolation room.
- (3) Animal Facilities. Any area where an animal is housed or maintained shall be:
 - (a) Cleaned and disinfected daily or more often if necessary to maintain a sanitary condition;
 - (b) Of adequate size and space to permit:
 - 1. The animal(s) housed therein to stand, sit, lie down, turn around and make other normal postural adjustments without obstruction, interference or impediment by the presence of food and water bowls or cage mates; and
 - 2. The bird(s) within to fly, hop or otherwise move about, individually spread their wings and simultaneously and freely from obstruction perch in a normal position;
 - (c) Appropriate to provide the ambient temperature required for the animal considering its species, health, and age;
 - (d) Constructed in accordance with the following provisions:

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1. Any wall shall be impervious to moisture from the floor to a height of four feet;
2. The floor shall be impervious to moisture;
3. Any material used shall be resistant to rusting;
4. If the cage or enclosure has a wire floor, then the wire used shall be of adequate gauge to prevent sagging or injury to an animal's feet, and the mesh shall be small enough to prevent an animal's feet from falling through the bottom; and
- (e) Designed to permit the unimpeded access of the animal(s) to clean, fresh food and water.

12.04: General Care of Animals

All licensees shall ensure that:

- (1) Sufficient fresh food of a type consistent with the dietary requirements and age of the species is offered to each animal daily, or at intervals commonly appropriate to a species and age of the animal(s);
- (2) Sufficient fresh and clean water is available to each animal at all times;
- (3) Bowls, dishes and other containers used for the feeding and watering of animals are cleaned daily or more often if necessary to maintain them free from contamination of excrement or urine;
- (4) The licensee or agent is present for general care and maintenance of the animals at least once daily;
- (5) If animals are group housed, they are maintained in compatible groups without overcrowding;
- (6) No female dog, cat or rabbit in season is maintained in a cage, run, pen or other enclosure with any male dog or cat, other than for breeding purposes;
- (7) Food and water containers for birds are designed to permit easy access to the contents. These containers shall be either designed or located within the cage in a manner that serves to minimize their contamination from excrement; and
- (8) The animals are kept clean and dry unless species-specific requirements dictate an aquatic or semiaquatic environment. Animals that fall within either of the latter two classifications shall be maintained in an environment that contains both aquatic and terrestrial features. Each feature shall be of sufficient size and space to permit the animal the option of submerging or soaking in clean water or remaining completely dry.

12.05: Restriction on Sale

- (1) No licensee shall display, offer for sale, sell or give away any animal with obvious signs of any of the following conditions:
 - (a) Infectious diseases such as distemper, hepatitis, leptospirosis, rabies or other similar infectious diseases, but not including any incubating diseases;
 - (b) Nutritional diseases including but not limited to, rickets, emaciation, and hypovitaminosis;
 - (c) Obvious signs of severe parasitism which is impacting the general health of the animal;
 - (d) Fractures, lameness or congenital abnormalities affecting the general health of animal;
 - (e) Metabolic disease including, but not limited to, kidney disease and diabetes;
- (2) No licensee shall:
 - (a) Display any reptile, amphibian or invertebrate for sale without posting its Taxonomic derivation, or display any dog under six months of age for sale without posting, in a place readily visible to the consumer where dogs are available for sale, a sign which states the following in black lettering not less than thirty-eight point size upon a white background: "THE FOLLOWING INFORMATION IS ALWAYS AVAILABLE ON ALL OF OUR PUPPIES: THE PUPPY'S DATE OF BIRTH, CITY/TOWN AND STATE OF BIRTH, THE DATE [name of pet shop or 'THIS PET SHOP'] RECEIVED THE PUPPY, THE PUPPY'S COMPLETE VACCINATION, WORMING, MEDICATION AND TREATMENT RECORDS, AND THE PUPPY'S 14-DAY WARRANTY";

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- (b) Acquire, display, offer for sale, sell or give away any dog or cat which is less than eight weeks of age;
- (c) Sell or give away any dog or cat:
 - 1. unless the licensee is in possession of a health certificate issued by a licensed veterinarian dated not more than seven calendar days previous to the sale or give away; or
 - 2. which has been returned to the licensee due to its failure to pass a veterinary examination after its sale to a purchaser, unless a new licensed veterinarian's health certificate, dated after the date of the return, has been issued to the licensee; or
 - 3. which is under a quarantine order, issued under the authority of M.G.L. c. 129, §§ 11, 21 and 22.
- (3) All licensees shall provide a substitution or a full refund of the purchase price of any dog or cat to any purchaser who:
 - (a) within 14 calendar days of sale has the dog or cat examined by a licensed veterinarian of his or her choice, and the examination indicates the dog or cat is diseased or has a congenital disorder; and
 - (b) presents the dog or cat, a veterinarian's written statement that the dog or cat is diseased or has a congenital disorder, and proof of sale within two business days of the date of the examination.

12.06: Quarantine

- (1) The Department may order a quarantine be placed on the entire premises of a licensee, on a specific species, on a special group of animals or an individual animal for any of the following:
 - (a) Excessive parasitism;
 - (b) General malnutrition;
 - (c) Presence of contagious disease on premises;
 - (d) The importation of any dog or cat into Massachusetts in violation of M.G.L. c. 140, § 138A, or 330 CMR 4.06;
- (2) Any animal which the Department has ordered quarantined shall be maintained in a facility meeting the requirements of 330 CMR 12.03(2).
- (3) Any animal inflicted with any of the conditions of 330 CMR 12.05(1) shall be kept in a facility meeting the requirements of 330 CMR 12.03(2).

12.07: Isolation

All licensees shall:

- (1) Isolate all dogs and cats received from sources within or outside of the Commonwealth in a room meeting the requirements of 330 CMR 12.03(2) for a minimum period of 48 hours prior to being offered for sale, barter, gift or other exchange;
- (2) Introduce no new dogs or cats into this room during the 48-hour isolation period; and
- (3) Have each dog or cat checked by a licensed veterinarian after the 48-hour isolation period is complete and prior to offer for sale, barter, gift or other exchange.

12.08: Inspection

Animal records and premises shall be open for inspection by duly authorized agents of the Department, the M.S.P.C.A. and the Animal Rescue League of Boston during reasonable hours. Copies of these records shall be maintained and be available at the premise where the animals are sold.

12.09: Records

(1) All licensees shall retain records of each retail or wholesale purchase, sale or give away of any dog, cat or psittacine bird for a period of 12 months after the date of purchase, sale or give away of the dog, cat or psittacine bird. Records shall include the following:

- (a) Identity of each dog, cat or psittacine bird entering the premises;
- (b) Name and address of person(s) from whom each dog, cat or psittacine bird was obtained, date obtained, and city/town and state where each dog under six months of age was born;
- (c) Name and address of person(s) to whom each dog, cat or psittacine bird was sold or given to and the date of sale or give away;
- (d) Type and date of any vaccination or treatment given by a veterinarian to each animal; and
- (e) Mortality and cause, if known, including euthanasia.

(2) A copy of an animal's complete vaccination, prophylactic medication and treatment records, maintained by the licensee as required pursuant to 330 CMR 12.09(1)(d), shall be given to the purchaser or adopter at the time of sale or give away, along with a notice of the 14-day warranty, and the purchaser or adopter shall sign a statement acknowledging receipt of these materials, to be kept as part of the licensee's record of sale or give away.

REGULATORY AUTHORITY

330 CMR 12.00: M.G.L. c. 129, §§ 2, 7, 9 and 39A.

NON-TEXT PAGE